GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules - Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 - **Amendments to Rule 1,2,3,4,5,6,9, 10, 11 and 13** – Orders – Issued.

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REVENUE (EXCISE-II) DEPARTMENT

G.O.MS.No. 470 **Dated: 10-11-2016**
Read the following:

1. G.O. Ms. No. 997, Rev(Ex-II)Dept, Dated:24.05.2005.
2. G.O. Ms. No.390, Rev(Ex-II)Dept, Dated:18.06.2012.
3. G.O. Ms. No.357, Rev(Ex-II)Dept, Dated:22.06.2013.
4. G.O. Ms. No.264, Rev(Ex-II)Dept, Dated:22.06.2014.
5. G.O. Ms. No.219, Rev(Ex-II)Dept, Dated:22.06.2015.
6. G.O. Ms. No.468, Rev(Ex-II)Dept, Dated:11.12.2015.
7. G.O. Ms. No.469, Rev(Ex-II)Dept, Dated:11.12.2015.
8. G.O. Ms. No.470, Rev(Ex-II)Dept, Dated:11.12.2015.
9. G.O. Ms. No.478, Rev(Ex-II)Dept, Dated:18.12.2015.
10. From the Commissioner of Prohibition & Excise, A.P., Cr.No.2997/2015/CPE/E3, Dt:02.08.2016.

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O R D E R:

The following Notification will be published in an Extra-ordinary Issue of the Andhra Pradesh Gazette, dated the 11th day of November, 2016.

NOTIFICATION

In exercise of the powers conferred by section 72 read with sections 17, 28 and 29 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968), the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 issued in G.O.Ms.No.997, Revenue(Ex.II)Department, dated the 24th May, 2005 and published in the Andhra Pradesh Gazette No. 17 (Extraordinary) Rules Supplement to part II, dated 24.05.2005 and as amended from time to time:

AMENDMENTS

In the said Rules,

1. In rule-1 for sub-rule (1) the following shall be substituted, namely,-

"(1) These rules may be called The Andhra Pradesh Excise (Grant of Licence of selling by Bar and Beer and Wine parlors and conditions of licence) Rules, 2005."

P.T.O.

2. For rule-2, the following shall be substituted, namely,-

"These rules shall apply for the grant of Licence by Bar and Beer and Wine parlors conditions governing thereof and transport of Indian Made Foreign Liquor and Foreign Liquor by such licensees."

3. In rule-3,

(1) After clause (b), the following shall be added, namely, -

(i) **"Beach Shacks"** means a small semi-permanent structure located along the beach where food is served.

(2) After clause (l), the following shall be added, namely, -

"(i) **"Parlor"** means the privilege granted under this Act to an establishment where food is served, for sale of Beer, Wine and Ready to Drink alcoholic beverages, in sealed bottles or in loose for consumption on the licensed premises;"

(3) After clause (o), the following shall be added, namely, -
"(i) "Ready to Drink Alcoholic Beverage" means any low alcoholic beverage made from spirit or any alcoholic beverage as base with admixture of natural juices and / or artificial flavors, spices coloring agents and sugar containing added alcohol of not more than 8% V/v, usually carbonated."

(4) For clause (l), the following shall be substituted, namely, -
" l) **"Licence period"** means a period of 12 months beginning from the 1st January of the year and ending with 31st December of the year or part thereof."

4. After rule-4, the following shall be added, namely,-

"**4A**. A licence in Form – 2B (A) may be granted to an establishment licensed by the local authority to serve food such as a hotel or a Restaurant, for sale of Beer, Wine and Ready to Drink Alcoholic Beverages in glasses or in sealed bottles for consumption within the licensed premises but not for sale by removing it out of the licensed premises. Such license may be granted to the establishment functioning in Municipal Corporations, Tourism Centers (Except places of religious Tourism) as notified by the Department of Tourism of State Government or Central Government in the Tourism Policy 1998 vide G.O.Ms.No.5 & 6, YAT & C (T) Dept., dated 18.12.1998 and Beach Shacks recognized by the APTDC and in the tourism resorts registered with Tourism Department in order to promote tourism in the State.

Contd..3.

5. After rule-5, the following shall be added, namely,-

5A. (1) The person intending to establish a Beer and Wine Parlor to serve Beer, Wine and Ready to Drink Alcoholic Beverages, may submit an application in Form-1B(A) to the Commissioner enclosing a challan of Rs. 1,00,000/- towards non-refundable application fee.

(1) Subject to such directions which the Government may issue in this regard from time to time in regard to the number of licences to be issued, the Commissioner of Prohibition and Excise may grant Licence in Form-2B (A) with the approval of the Government to such of the applicants covered under sub-rule (1), after causing such enquiry as he may deem fit.

(3) The Prohibition and Excise Superintendent, after making such enquiry as he may think necessary, to ascertain the bonafides of the applicants and verifying the particulars furnished in the application should examine the suitability of the premises for granting Beer and Wine Parlor, issue licence.

(4) The applicant before issue of licence shall execute a counterpart agreement in Form-4B(A), on the stamp paper of requisite value as per the provisions of the Indian Stamp Act, 1899.

6. In rule-6, in sub-rule(1),

(1) For the expression "Form-2B", the expression "Form-2B and 2B(A)" shall be substituted.

(2) In item (i), for clause (a), the following shall be substituted, namely,-

"(a) A minimum plinth area of 200 sq. meters and in case of Beer and Wine parlors, a minimum plinth area of 100 sq. meters."

(3) For item (iv), the following shall be substituted, namely,-

"Within 100 meters of a Highway in respect of Form-2B(A)."

(4) For item (v), the following shall be substituted, namely,-

" Unless the applicant produces the Trade Licence from the local authority concerned for grant of 2B and 2B(A) licence."

7. For rule-9, the following shall be substituted, namely,-

"Every Bar and (Beer, Wine and Ready to Drink) parlors shall be valid for one year commencing from 1st January, ending with 31st December, of the year, subject to payment of licence fee as prescribed.

Provided that the licence issued on or after the 1st January shall be valid upto the 31st December, of the year.

Provided that a licence granted for a part of the licence period shall be valid for such period as may be specified by the licensing authority.

Provided further that every licensee shall commence his business from 1st January, or such other date as may be specified in the licence and shall keep the Bar and Beer and Wine parlor open every day during the hours fixed till the expiry of the licence period with sufficient stock of liquor unless the closure of the Bar and Beer and Wine parlor is ordered by the competent authority for the period specified.

Before issue of a licence the licensee shall execute a counterpart agreement in form-4B in respect of Bar and Form-4B(A) in respect of Beer and Wine parlor on the stamp paper of requisite value as per the provisions of the Indian Stamp Act, 1899."

8. In rule-10,

(1) for sub-rule (1), the following shall be substituted, namely,-

"(1) The annual licence fee for the 2-B and 2B(A) licence shall be at the rates as notified by the Government from time to time."

(2) For sub-rule (3) (a) , the following shall be substituted, namely,-

" (3)(a) The annual licence fee shall be paid before commencement of the Licence period in one lump sum or in two equal installments or in a manner as notified from time to time. Where the licence is issued before 1st January, the 1st installment i.e., half of the annual licence fee shall be paid into the Government Treasury through a challan before the issue of licence along with a Bank Guarantee from a Scheduled Bank situated in Andhra Pradesh in Form-3B or fixed Deposit receipt for an amount equal to half of the annual licence fee. The Bank Guarantee shall be valid for a period of seven months. The 2nd installment of the annual licence fee i.e., half of the annual licence fee, shall be remitted in to the Government Treasury on or before 20th June of the same year, failing which the license shall stand cancelled automatically on the expiry of such date and subject to the conditions prescribed in Form-2B and Form-2B(A)."

Contd...5.

9. In rule-11, the following shall be added, namely,-

"11 A. The Commissioner shall be competent to grant the privilege of Beer and Wine parlor. The Prohibition and Excise Superintendent shall issue the License in the prescribed form-2B(A)."

10. In rule-13, for sub-rule (3), the following shall be substituted, namely,-

" No shifting of the licensed premised shall ordinarily be permitted during the licence period from one location to another. However, the shifting of the licensed premises under Form 2-B and Form 2B(A) may be considered by the Commissioner subject to payment of 1% of licence fee or Rs. 25,000/- as shifting fee, if the shifting of the original licensed premises of Hotel and Restaurant is permitted by the local authority."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationery and Stores Purchase, Hyderabad (He is requested to furnish 200 copies to Government and 500 copies to the Commissioner of Prohibition & Excise, A.P, Vijayawada and 50 copies to Special Commissioner of Information and Public Relations, Hyderabad.)
The Commissioner of Prohibition and Excise,
Andhra Pradesh, Vijayawada.

Copy to:
The PS to Spl.CS to CM.
The PS to Minister for Excise and Prohibition.
The PS to Spl. CS to Govt, Revenue Department.
The Law (H) Department.
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER